1944 **File No.** B. Muslalmans Wakf, B'bay Public Trusts Regn. and Parsi Public Trusts Regn./44.

Land Department

B **BRANCH**

Subject:— Governor's Bill No. X of 1944

A bill to amend the Muslalmans Wakf Act, 1923, Bombay Public Trusts Regn. Act 1935 and Parsi Public Trusts Regn. Act, 1936.

(Bom. X of 1944)

E
P-4
1944

File No. B. Muslalmans Wakf, Bombay Public Trusts Regn and Parsi Public Trusts Regn/44

Gen. 194 e.

Office of the R.L.A.

Revised drafts of the Bill and Statement are sent herewith.

2. The subject matter of the Bill would fall under entry No. 34 of the Provincial Legislative List and No. 9 of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935, As clause 2 of the Bill is repugnant to the provisions of the existing Indian Law relatir to public trusts and trustees, it is necessary to reserve the Bill for the consideration of the Governor General under section 107(2) of the Governmentof India Act, 1935 (vide para. (2) of the Proclamation dated 4.11.1939). The procedure laid down in para. 1(b) of G.S.'s Memo. No. 22k 201(12), dated 9th December 1941 would no doubt apply to this case but that would nex not dispense with the necessity to obtain the Governor General's consent for publication of the Bill .

Id/-
P.N.M.
7-3-44

Remembrancer of Legal Affairs.

U.R. to R.D., No. 1789 , dated the 7th March 1944.

S .C. 13/7
4 copies.

No. 10-L
Legal Department.
xBombay Castle
Council Hall, Poona. 14th June 1944.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.
Secretary to the Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject .- A Bill to amend the Mussalman Wakf Act, 1923, in its application to the Provinc of Bombay, the Bombay Public Trusts Registration Act, 1935 and the Parsi Public Trusts Registration Act, 1936.

Sir,

With reference to your memorandum No. 201(105), dated the 31st March 1944, addressed to the Revenue Department, on the above subject, I am directed to forward herewith a copy ofthe Bill to amend the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935 and the Parsi Public Trusts Registration Act, 1936, prepared by His Excellency the Governor of Bombay under paragraph (2) of the Proclamation dated the 4th November 1939 issued by Him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or falls within the purview of clause (a), (b), (c) or (d) of paragraph XVII of the Instrument of Instructions to t Governor of Bombay.

3. The subject matter of the Bill would fall under entry No. 34 of the Provincial Legislative List and No. of the Concurrent Legislative List in the Seventh Schedule to the Government of India Act, 1935, As the Bill is repugnant to the provisions of the existing Indian Law relating to public trusts and trustees, it is necessary to reserve the Bill for the consideration of the Governor*General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

4. I also forward herewith six spare copies of the Bill out of which five copies are for transmission to the Secretary to the Governor-General (Public).

Yours obedient servant,

P.N.M.
13-6-44

ecretary to Government,
Legal Department.

Through - The Secretary to Government,
Revenue Department.

No. 301(105)
Office of the Governor's Secretary
Government House,
Ganeshkhind, 11th July 1944.

From

D.Symington,Esquire, CIB, ICS.
Secretary to the Governor of Bombay,

To

The Secretary to Government,
Legal Department, Bombay.

Subject ;- The Musslaman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Bill, 1944.

Sir,

With reference to your letter No. 10-L dated 14th June 1944, on the above subject, I am directed to forward herewith the copy of the Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Bill, 1944, with His Excellency the Governor-General's assent signified thereon.

Your obedient Servant,

For Secretary to the Governor of Bombay.

S.C. 13/7
4 copies.

Acts.
Publication of the Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Act,

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 4977
Bombay Castle, 14th July 1944

Letter to the Secretary to the Governor, No. 10-L, dated the 14th June 1944.

Letter from the Secretary to the Governor, No. 201(105), dated the 11th July 1944.

With reference to your letter No. 10-L dated 14th June on the above subject, I am directed to forward herewith a copy of the Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Bill, 1944, with His Excellency the Governor-General's assent signified thereon."

RESOLUTION._ The law should be published as Bombay Act No. X of 1944, in the Bombay Government Gazette dated the 15th July 1944.

2. The Act should be translated into Marathi, Gujarathi, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Ga Gazette.

3. A copy of the Act should be forwarded to the Revenue Department.

By order of the Governor of Bombay.

S.L.Chaudhari
P.N.Moos,
For Secretary to Government,

To
The Manager, Government Central Press, Bombay (with a copy * of the Act and with a request that 15 Gazette copies of the Act may be forwarded to the Legal Department)
The Revenue Department,
The Oriental Translator to Government,) with a
The Secretary to the Bombay Legislative Council,) copy of
The Secretary to the Bombay Legislative Assembly.) the
) Act.

*With five extra copies.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

SATURDAY, 15TH JULY 1944.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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PAGES

BOMBAY ACT No. X OF 1944—An Act to amend the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936 153-154

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by the Governor-General on the 3rd July 1944 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay.
Legal Department.

BOMBAY ACT No. X OF 1944.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 15th July 1944.)

An Act to amend the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936.

WHEREAS it is expedient to amend the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, the Bombay Public Trusts Registration Act, 1935, and the Parsi Public Trusts Registration Act, 1936, for the purposes hereinafter appearing

XLII of 1923. Bom. XXV of 1935. Bom. XXIII of 1936.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature ; 26 Geo. 5 Ch. 2.

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act :—

Short title. 1. This Act may be called the Mussalman Wakf, Bombay Public Trusts Registration and Parsi Public Trusts Registration (Amendment) Act, 1944.

Amendment of section 6Q of Act XLII of 1923. 2. In section 6Q of the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, after the words "Official Gazette and", the words "if the Provincial Government so directs" shall be inserted. XLII of 1923.

Amendment of section 18 of Bom. XXV of 1935. 3. In section 18 of the Bombay Public Trusts Registration Act, 1935, after the words "Official Gazette and", the words "if the Provincial Government so directs" shall be inserted. Bom. XXV of 1935.

Amendment of section 19 of Bom. XXIII of 1936. 4. In section 19 of the Parsi Public Trusts Registration Act, 1936, after the words "Official Gazette and", the words "if the Provincial Government so directs" shall be inserted. Bom. XXIII of 1936.

STATEMENT.

Section 6Q of the Mussalman Wakf Act, 1923, in its application to the Province of Bombay, section 18 of the Bombay Public Trusts Registration Act, 1935, and section 19 of the Parsi Public Trusts Registration Act, 1936, are mandatory provisions requiring the publication *inter alia* in local newspapers of the lists of wakfs and public trusts and statements of sums standing to the credit of wakfs' and public trusts' administration funds. In the case of small wakfs and public trusts, the publication in newspapers involves heavy expenditure which these trusts can ill afford and as the lists and statements are published in the *Bombay Government Gazette* it is necessary, particularly during the present emergency when there is acute paper shortage and the cost of publication of the lists and statements in the newspapers is very heavy, to avoid such publication whenever it is unnecessary. It is therefore proposed in this Act so to amend the said provisions as to reserve power to Government to direct such publication of the lists and statements in the newspapers when it is necessary.

" True copy - Original papers being of bad quality - Destroyed."

K. V. Velankar

Superintendent,
D Branch, Legal Department

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.